

February 20, 1975

amendments to do this at this time, but I think this bill should be held because as it is now it's just too broad and too general. If it passes, I'm sure, we'll be hearing all sorts of complaints about courts interfering with the family life. I make that motion.

SPEAKER: The Chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President, members of the Legislature, I really don't have any great objection to holding it except that if we keep doing this we're going to bog ourselves down and putting bills over. Then we have wasted all the time in debate. I think we ought to continue this debate. Senator Fowler, as far as this authority that you speak about, I tried to explain this to Senator Cavanaugh yesterday. I went over and showed him. He's not here today, but I showed him and I can show you the statutes of the State of Nebraska, namely Section 43-202, which law in Nebraska today, to show you that this authority, awesome authority, already exists. If you want to change Section 43-202 and set forth additional guidelines, I submit to you Senator Fowler, that is another matter. That is a bill that you ought to bring before the Judiciary Committee. All that we are doing in this bill is spelling out perimeters in which the juvenile court judge can act in carrying out his awesome authority already given to him under 43-202. Let me just read it to you. It says, "the county court in each county, except those having a separate juvenile court, have the following jurisdiction as follows:" and here's what it says, "shall have exclusive, original jurisdiction over 5) the parent, guardian, or custodian who has custody of any such child described; and 6) proceedings for termination of parental rights as provided in this act." Senator Fowler, the case law of Nebraska spells out the guidelines of what is necessary to take away a child under 5 and 6. However, when the court determines that the child ought to stay in the home, we have not set forth any perimeters. The very thing you are asking for is done in this bill. This is what we've been trying to get across to the members of this Legislature. That's why the bill is needed. All that you have to do is read this handout that Senator Barnett gave to you this morning, which is only one page. If you'll read that I think it will satisfy and answer your questions. If you want to take away from the court this awesome authority, come in with another bill which will do that. But please don't do it on this particular bill. I would ask you, if you would reconsider either having it held over or reconsider my argument this morning.

MR. SAVAGE PRESIDING

SENATOR SAVAGE: Is there any further discussion? The question is the motion to bracket LB 290. Please indicate your vote. Have you all voted? Record the vote.

CLERK: 10 ayes, 18 nays, Mr. President.

SENATOR SAVAGE: The motion is lost. Somebody want to move the bill across? Senator Barnett.